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11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION
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16 ASSOCIATION OF IRRITATED
RESIDENTS, an unincorporated association,

17 Plaintiff,

18 v.

19 UNITED STATES ENVIRONMENTAL
20 PROTECTION AGENCY, et al.,

21 Defendants.
22

Case No. 08-cv-05650 CW

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24
25 **STIPULATION TO DISMISS
WITH PREJUDICE**

AND

~~PROPOSED~~ ORDER THEREON
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Pursuant to Paragraph 3 of the Consent Decree entered by the Court on August 18, 2009 in the above-captioned matter (Dkt. 24) and Federal Rule of Civil Procedure 41(a)(1), the parties to this action, Plaintiff Association of Irrigated Residents and Defendants United States Environmental Protection Agency et al. ("EPA" or "Agency"), hereby stipulate and agree, through their undersigned counsel, that this action shall be dismissed with prejudice.

Paragraph 3 of the Consent Decree provides that the parties will jointly request the Court to dismiss this action with prejudice when the actions in Paragraph 2 of the Consent Decree, taken pursuant to section 110(k) of the Clean Air Act, 42 U.S.C. § 9410(k), have been completed.

EPA has fulfilled the obligations set forth in Paragraph 2 of the Consent Decree, which required EPA to: (1) sign for publication in the Federal Register no later than June 30, 2009 its proposed action on the San Joaquin Valley Unified Air Pollution Control District Rule 3170; (2) sign for publication in the Federal Register no later than December 11, 2009 its final action on the San Joaquin Valley Unified Air Pollution Control District Rule 3170; and (3) deliver the notices to the Office of the Federal Register for publication. *See* Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, 74 Fed. Reg. 33,950 (June 14, 2009), and corrected version, 74 Fed. Reg. 41,826 (Aug. 19, 2009); Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, 75 Fed. Reg. 1,716 (Jan. 13, 2010).

Accordingly, the terms of Paragraph 2 of the Consent Decree have been satisfied, and dismissal of this action with prejudice is appropriate.

Respectfully submitted,

COUNSEL FOR DEFENDANTS:

Dated: April 2, 2010

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Dated: April 2, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/5/2010


Hon. Claudia Wilken
United States District Court Judge